

DEPARTMENT OF HEALTH**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Chapter 67 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of this amendment is to amend the name of the organization which establishes the standards of ethical and professional conduct for physical therapists.

Chapter 67 (Physical Therapy) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:

Section 6714.4 is amended to read as follows:

6714.4 Any holder of a license under this chapter or any person authorized to practice physical therapy or to perform physical therapy functions under this chapter shall comply with the standards of ethical and professional conduct established by the American Physical Therapy Association, as they may be amended or republished from time to time.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5 p.m., Monday through Friday, excluding holidays.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 76 of Title 17 (Respiratory Therapy) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of these amendments is to delay implementation of the requirement in 17 DCMR § 7606.5 that respiratory therapists must complete a minimum of three (3) unit hours of continuing education in ethics each renewal period until the renewal period ending January 31, 2009.

17 DCMR Chapter 76, RESPIRATORY THERAPY, is amended as follows:

Section 7606.5(a) is amended to read as follows:

7606.5 To qualify for renewal of a license an applicant shall:

- (a) Have completed sixteen (16) CEUs in approved continuing education programs during the two (2) year period preceding the date the license expires. Beginning with the renewal period ending January 31, 2009, a minimum of three (3) hours of the total continuing education credits shall have been in ethics;

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 05-21A

**(Text Amendment – Pet Grooming Establishments, Pet Shops, Veterinary Boarding
Hospitals, and Animal Shelters)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03 (2001 ed.)), hereby gives notice of its intent to amend Sections 199, 602, 721, 737 through 740, 801, 802, 804, 822, 825, 902, 2101, and 3104 of the Zoning Regulations (Title 11 DCMR). The proposed amendments would establish Pet Grooming Facilities, Pet Shops, Veterinary Boarding Hospitals, and Animal Shelters as new uses. The proposed amendments would permit Pet Grooming Establishments, Pet Shops, and Veterinary Boarding Hospitals as special exceptions in the C-2, C-3, C-4, C-M, and M Zone Districts, and Animal Shelters as special exceptions in the C-2, C-3, C-4, and as a matter of right in C-M and M Zone Districts, subject to certain standards. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed.

Title 11 DCMR is amended as follows:

- A. Chapter 1, THE ZONING REGULATIONS, § 199.1, is amended by adding the following new definitions:

Animal shelter - Any premises that houses and feeds stray or abandoned animals without a fee, and is operated by a non-profit organization or governmental agency.

Pet grooming establishment - An establishment, which, for a fee, trims, or cleans domestic pets, such as dogs and cats. A pet grooming establishment is considered an animal boarding use if more than ten animals are to be on the premises at a time, or the overnight stay of animals is permitted.

Pet shop - A store for the sale of dogs, cats, birds, tropical fish and/or other domesticated pets to the extent permitted by D.C. Official Code § 8-1808(h)(1), and related supplies and equipment.

Veterinary boarding hospital - A veterinary hospital that boards animals as an independent line of business.

Veterinary hospital - An establishment used by a licensed veterinarian for the practice of veterinary medicine, and not as an animal boarding establishment.

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- B. Chapter 6, MIXED USE DISTRICTS, § 602.1 (a) is amended to read as follows (deletions shown in ~~striketrough~~, additions shown in **bold**):

602.1 The following uses shall be specifically prohibited in CR Districts:

- (a) **Veterinary** ~~Animal hospital or veterinarian;~~

- C. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

1. Section 721, Uses as a Matter of Right C-2, is amended as follows:

- a. By amending 721.2 (x) to read as follows (deletions shown in ~~striketrough~~, additions shown in **bold**):

(x) Veterinary hospital, **which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business.**

- b. by striking subparagraph 721.3 (p).

2. By adding new §§ 737 through 740 to read as follows:

737 PET GROOMING ESTABLISHMENT

737.1 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

737.2 The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

737.3 All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.

737.4 The pet grooming establishment shall not abut an existing residential use, or Residence Zone.

737.5 External yards or other external facilities for the keeping of animals shall not be permitted.

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737.6 The sale of pet supplies is permitted as an accessory use.

737.7 The Board may impose additional requirements as it deems necessary to protect nearby properties.

738 PET SHOP

738.1 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

738.2 The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

738.3 The pet shop shall not abut an existing residential use or a Residence Zone.

738.4 External yards or other external facilities for the keeping of animals shall not be permitted.

738.5 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

739 VETERINARY BOARDING HOSPITAL

739.1 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

739.2 A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs.

739.3 No more than 50% of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.

739.4 The veterinary boarding hospital shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

739.5 The veterinary boarding hospital shall not abut an existing residential use or a Residence Zone.

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739.6 External yards or other external facilities for the keeping of animals shall not be permitted.

739.7 Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.

739.8 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

740 ANIMAL SHELTER

740.1 An animal shelter may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.

740.2 The animal shelter shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste.

740.3 The animal shelter shall utilize industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping.

740.4 All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.

740.5 The animal shelter shall not abut an existing residential use or a Residence Zone.

740.6 External yards or other external facilities for the keeping of animals shall not be permitted unless the entire yard is located a minimum of 200 feet from an existing residential use or Residence Zone District.

740.7 The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

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D. Chapter 8, INDUSTRIAL DISTRICTS, is amended as follows:

1. By adding new § 801.7(o) to read as follows:

(o) Animal shelter.

2. By adding new §§ 802.25 through 802.28 to read as follows:

802.25 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- a. The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;
- b. All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
- c. The pet grooming establishment shall not abut an existing residential use or a Residence Zone;
- d. External yards or other external facilities for the keeping of animals shall not be permitted;
- e. The sale of pet supplies is permitted as an accessory use; and
- f. The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

802.26 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- a. The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;
- b. The pet shop shall not abut an existing residential use or a Residence Zone;

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- c. External yards or other external facilities for the keeping of animals shall not be permitted; and
- d. The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

802.27 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- (a) A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs.
- (b) No more than 50% of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.
- (c) The veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor or waste.
- (d) The veterinary boarding hospital shall not abut an existing residential use or a Residence Zone.
- (e) External yards or other external facilities for the keeping of animals shall not be permitted.
- (f) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
- (g) The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

3. By adding a new § 804.15 to read as follows:

804.15 An animal shelter shall be permitted as a matter of right subject to the following additional standards:

- a. The animal shelter shall utilize industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;

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- b. Animal shelters shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system; and
 - c. Animal shelters shall not abut an existing residential use or a Residence Zone;
 - d. Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
 - (1) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 8:00 a.m.;
 - (2) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of the animals and the absorption of noise. Fencing and/or walls shall be a minimum of 8 feet in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics; and
 - (3) No more than 3 animals shall be permitted within any exterior yard or outdoor run at a time; and
 - (4) No part shall be located within 200 feet of an existing residential use or Residence Zone.
4. By adding new §§ 822.18 through 822.20 to read as follows:
- 822.18 A pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.
- a. The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;
 - b. All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - c. The pet grooming establishment shall not abut an existing residential use or a Residence Zone;

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- d. External yards or other external facilities for the keeping of animals shall not be permitted;
- e. The sale of pet supplies is permitted as an accessory use; and
- f. The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

822.19 A pet shop may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- a. The pet shop shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor or waste;
- b. The pet shop shall not abut an existing residential use or a Residence Zone;
- c. External yards or other external facilities for the keeping of animals shall not be permitted; and
- d. The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

822.20 A veterinary boarding hospital may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this subsection.

- a. A veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808 (h)(1), except domesticated dogs.
- b. No more than 50% of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals.
- c. The veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor or waste.
- d. The veterinary boarding hospital shall not abut an existing residential use or a Residence Zone.

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- e. External yards or other external facilities for the keeping of animals shall not be permitted.
- f. Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses.
- g. The Board may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

5. By adding a new § 825.14 to read as follows:

825.14 An animal shelter shall be permitted as a matter of right subject to the following additional standards:

- a. The animal shelter shall utilize industry standard sound absorbing materials such as acoustical floor and ceiling panels, acoustical concrete and masonry, and acoustical landscaping;
- b. Animal shelters shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system;
- c. Animal shelters shall not abut an existing residential use or a Residence Zone; and
- d. Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
 - (1) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 8:00 a.m.;
 - (2) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of the animals and the absorption of noise. Fencing and/or walls shall be a minimum of 8 feet in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics; and
 - (3) No more than 3 animals shall be permitted within any exterior yard or outdoor run at a time; and

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- (4) No part shall be located within 200 feet of an existing residential use or Residence Zone.

E. Chapter 9, WATERFRONT DISTRICTS, subsection 902.1(a) is amended to read as follows:

902.1 The following uses are prohibited in Waterfront Districts:

- (a) **Veterinary Animal hospital or veterinarian;**

F. The table included in § 2101.1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES is amended by striking the use "Office- Medical and dental, clinic, veterinary doctor-or veterinary hospital" and inserting the use "Office- Medical and dental, clinic, or veterinary hospital" in its place.

G. Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended by adding to the table of special exceptions in §3104.1, in the proper alphabetical order, the following new entry:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Animal shelter	Any C-2, C-3 or C-4 District	§ 740
Pet grooming establishment	Any C-2, C-3, C-4, C-M or M District	§§ 737, 802.25, and 822.18
Pet shop	Any C-2, C-3, C-4, C-M, or M District	§§ 738, 802.26, and 822.19
Veterinary boarding hospital	Any C-2, C-3, C-4, C-M or M District	§§ 739, 802.27, and 822.20

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

**ZC Case No. 05-02
(Text Amendment – 11 DCMR)
(Residential Recreation Space)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03 (2001)), hereby gives notice of its intent to amend § 411 of Chapter 4 of the Zoning Regulations (Title 11 DCMR) and to repeal those sections of the Zoning Regulations requiring the provision of residential recreation space in certain zone districts.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 11 DCMR is proposed to be amended as follows. Deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined:

- A. **CHAPTER 1, THE ZONING REGULATIONS** – Delete the definition of “Residential recreation space.” from § 199.1, DEFINITIONS.
- B. **CHAPTER 4, RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS**
 - 411 ROOF STRUCTURES (R)
 - 411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat. 452; D.C. Official Code, §§ 6-601.01 to 6-601.09, on apartment building roofs, penthouses for (a) storage, ~~and toilets~~ showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.
- C. **CHAPTER 5, SPECIAL PURPOSE DISTRICTS (SP)** – Delete section 533, Residential Recreation Space (SP), including all subsections 533.1 through 533.11.
- D. **CHAPTER 6, MIXED USE COMMERCIAL RESIDENTIAL DISTRICTS (CR)** – Delete § 635, Residential Recreation Space (CR), including all subsections 635.1 through 635.4.
- E. **CHAPTER 7, COMMERCIAL DISTRICTS (C)** – Delete § 773, Residential Recreation Space (C), including all subsections 773.1 through 773.10.

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F. **CHAPTER 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT (DD)**

- a. Delete § 1706.4(f).
- b. Delete § 1706.5(f).

G. **CHAPTER 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT (SEFC) – Delete § 1803.12.**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

ZC Case No. 06-20

(Text Amendment - 11 DCMR)

**(To Permit Temporary Accessory Bus Parking Lot for Washington Metropolitan Area
Transit Authority)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, *et seq.*, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03 (2001)), hereby gives notice of its intent to amend § 601 of Chapter 6 of the Zoning Regulations (Title 11 DCMR). The proposed amendment, requested by the Office of Planning, would add a new provision, § 601.7, to permit, for a 5-year term, the use of a certain parcel of land as an accessory surface parking lot for the parking of buses belonging to the Washington Metropolitan Area Transit Authority ("WMATA").

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 11 DCMR (Zoning) is proposed to be amended as follows:

Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, § 601 (USES AS A MATTER OF RIGHT (CR)), is amended by adding a new § 601.7 to read as follows:

601.7 Notwithstanding § 602.1, and not subject to any otherwise applicable proximity requirement, a surface parking lot accessory to the Washington Metropolitan Area Transit Authority garage facility located on Square 700, Lot 857, is permitted as a temporary use for a period of five (5) years maximum on Square 661, Lot 805, from the date of issuance of the certificate of occupancy for such use.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.